

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN RICHARD GIBSON,)	CV F 05 0042 AWI LJO HC
)	
Petitioner,)	ORDER CONSTRUING PETITIONER'S
)	MOTION TO AMEND AS A MOTION FOR
v.)	JUDICIAL NOTICE
)	[Doc. #28]
)	
LEA ANN CHRONES, Warden,)	ORDER GRANTING PETITIONER'S
)	MOTION FOR JUDICIAL NOTICE
Respondent.)	[Doc. #28]
)	

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On June 16, 2005, Petitioner filed a motion to amend the petition to include the recent decision of the California Supreme Court in In re Dannenberg, 34 Cal.4th 1061 (2005). It appears Petitioner merely wishes to notify the Court of the decision and request that it be considered in the Court's review of the merits of the petition. In order to avoid the burdensome process of amending the petition, the Court CONSTRUES Petitioner's request as a motion for judicial notice.

A court may take judicial notice of court records. See MGIC Indem. Co. v. Weisman, 803 F.2d 500, 505 (9th Cir.1986); United States v. Wilson, 631 F.2d 118, 119 (9th Cir.1980). While the

1 California Supreme Court's opinion is not binding precedent on this Court, it may be of persuasive
2 value in the Court's determination of the merits of Petitioner's claims. Accordingly, the Court
3 hereby TAKES judicial notice of the California Supreme Court's opinion in In re Dannenberg, 34
4 Cal.4th 1061 (2005).

5 IT IS SO ORDERED.

6 **Dated: June 27, 2005**
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/s/ Lawrence J. O'Neill
UNITED STATES MAGISTRATE JUDGE